

# HOUSE JOURNAL OF THE IDAHO LEGISLATURE

FIRST REGULAR SESSION  
SIXTY-THIRD LEGISLATURE

**TWENTY-FIFTH LEGISLATIVE DAY  
THURSDAY, FEBRUARY 5, 2015**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 68 members present.  
Absent – McMillan, Thompson. Total – 2.  
Total – 70.

Prayer was offered by Representative Romrell.

The Pledge of Allegiance was led by Julia Staley, Page.

### **3RD ORDER Approval of Journal**

February 5, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Twenty-fourth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Gannon. Report adopted.

At this time, the Speaker put the House at ease.

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The Idaho State Historical Society presented for viewing the original register of votes from the 1896 election that approved a state constitutional amendment granting women the right to vote; and a silk banner used by the Idaho Falls Suffrage Club as they worked to get the measure on the ballot.

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There being no objection, the House advanced to the Fifth Order of Business.

### **5TH ORDER Report of Standing Committees**

February 5, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HCR 3](#), [H 78](#), [H 79](#), [H 80](#), [H 81](#), [H 82](#), and [H 83](#).

WILLS, Chairman

[HCR 3](#) and [H 83](#) were referred to the Education Committee.

[H 78](#) and [H 79](#) were referred to the Commerce and Human Resources Committee.

[H 80](#) and [H 81](#) were referred to the Business Committee.

[H 82](#) was referred to the Judiciary, Rules, and Administration Committee.

February 5, 2015

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled [H 40](#).

WILLS, Chairman

The Speaker announced he was about to sign enrolled [H 40](#) and, when so signed, ordered it transmitted to the Senate for the signature of the President.

February 4, 2015

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration [H 23](#), [H 24](#), and [H 25](#) and recommend that they do pass.

WOOD, Chairman

[H 23](#), [H 24](#), and [H 25](#) were filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### **7TH ORDER Motions, Memorials, and Resolutions**

#### **HOUSE CONCURRENT RESOLUTION NO. 4 BY REVENUE AND TAXATION COMMITTEE**

A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND REJECTING CERTAIN RULES OF THE STATE TAX COMMISSION RELATING TO IDAHO SALES AND USE TAX ADMINISTRATIVE RULES.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the Legislature is vested with authority to reject executive agency rules under the provisions of Section 67-5291, Idaho Code, in the event that the Legislature finds that the rules are not consistent with legislative intent; and

WHEREAS, it is the finding of the Legislature that certain rules of the State Tax Commission relating to Idaho Sales and Use Tax Administrative Rules are not consistent with legislative intent and should be rejected.

NOW, THEREFORE, BE IT RESOLVED by the members of the First Regular Session of the Sixty-third Idaho Legislature, the House of Representatives and the Senate concurring therein, that IDAPA 35.01.02, State Tax Commission, Idaho Sales and Use Tax Administrative Rules, Sections 102 and 128, only, adopted as pending rules under Docket Number 35-0102-1403, be, and the same are hereby rejected and declared null, void and of no force and effect.

[HCR 4](#) was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

### **8TH ORDER Introduction, First Reading, and Reference of Bills and Joint Resolutions**

#### **HOUSE BILL NO. 84 BY REVENUE AND TAXATION COMMITTEE**

AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3022H, IDAHO CODE, TO REVISE THE

DEFINITION OF THE TERM "REAL PROPERTY" FOR CAPITAL GAINS PURPOSES; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 85**  
**BY REVENUE AND TAXATION COMMITTEE**  
AN ACT

RELATING TO INCOME TAXATION; AMENDING SECTION 63-3022H, IDAHO CODE, TO PROVIDE FOR CAPITAL GAINS PURPOSES THAT THE HOLDING PERIOD OF QUALIFYING PROPERTY THAT WAS DISTRIBUTED BY AN S CORPORATION OR AN ENTITY TREATED AS A PARTNERSHIP TO A PERSON WHO WAS AN OWNER, MEMBER OR PARTNER AT THE TIME OF THE DISTRIBUTION SHALL, FOR THAT PERSON, INCLUDE THE AMOUNT OF TIME THAT THE S CORPORATION OR THE ENTITY HELD THE PROPERTY, REGARDLESS OF WHETHER THE DISTRIBUTION WAS A LIQUIDATING DISTRIBUTION; DECLARING AN EMERGENCY AND PROVIDING RETROACTIVE APPLICATION.

**HOUSE BILL NO. 86**  
**BY LOCAL GOVERNMENT COMMITTEE**  
AN ACT

RELATING TO AREAS OF CITY IMPACT UNDER THE LOCAL PLANNING ACT; AMENDING SECTION 67-6526, IDAHO CODE, TO REVISE NOTICE PROCEDURES REGARDING AREAS OF CITY IMPACT, TO PROHIBIT ANNEXATION BY A CITY UNDER CERTAIN CIRCUMSTANCES, TO REVISE PROCEDURES WHEN AREAS OF CITY IMPACT OVERLAP AND TO MAKE TECHNICAL CORRECTIONS.

**HOUSE BILL NO. 87**  
**BY TRANSPORTATION AND DEFENSE COMMITTEE**  
AN ACT

RELATING TO MOTOR VEHICLES; AMENDING CHAPTER 4, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-402E, IDAHO CODE, TO PROVIDE FOR RENTAL FLEET REGISTRATION, TO DEFINE A TERM, TO PROVIDE FOR ALTERNATIVE SPECIAL REGISTRATION CARDS AND RENTAL CAR STICKERS, TO PROVIDE FOR THE PERIOD OF VALIDITY, TO PROVIDE A CONDITION, TO SPECIFY COMPLIANCE REQUIREMENTS AND TO PROVIDE FOR CANCELLATION UPON FAILURE TO RENEW.

**HOUSE BILL NO. 88**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO ABORTION; TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 6, TITLE 18, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 18-617 THROUGH 18-621, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE REQUIREMENTS FOR CHEMICAL ABORTION, TO PROVIDE REQUIREMENTS FOR ADMINISTERING CERTAIN DRUGS IN ABORTIONS, TO PROVIDE FOR CERTAIN CHEMICAL ABORTIONS, TO PROVIDE A CIVIL CAUSE OF ACTION, TO PROVIDE CONDITIONS FOR ANONYMITY OF THE FEMALE, TO PROVIDE FOR CONSTRUCTION AND TO PROVIDE SEVERABILITY.

**HOUSE BILL NO. 89**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO CONCEALED WEAPONS; AMENDING SECTION 18-3302, IDAHO CODE, TO PROVIDE THAT THE SHERIFF SHALL ISSUE A CONCEALED WEAPONS LICENSE FOR THE PURPOSE OF RECIPROCITY, TO REMOVE A PROVISION RELATING TO DATES WHEN A LICENSE WAS ISSUED, TO REMOVE PROVISIONS RELATING TO PLACES WHERE A PERSON SHALL NOT CARRY A CONCEALED WEAPON WITHOUT A LICENSE AND TO REVISE PROVISIONS RELATING TO PERSONS WHO MAY CARRY A CONCEALED WEAPON WITHOUT A LICENSE.

**HOUSE BILL NO. 90**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO TRANSPARENT AND ETHICAL GOVERNMENT; REPEALING SECTIONS 9-335 THROUGH 9-352, IDAHO CODE, RELATING TO THE PUBLIC RECORDS ACT; REPEALING SECTIONS 67-2340 THROUGH 67-2347, IDAHO CODE, RELATING TO THE OPEN MEETINGS LAW; REPEALING CHAPTER 7, TITLE 59, IDAHO CODE, RELATING TO ETHICS IN GOVERNMENT; REPEALING CHAPTER 2, TITLE 59, IDAHO CODE, RELATING TO PROHIBITIONS AGAINST CONTRACTS WITH OFFICERS; AMENDING THE IDAHO CODE, BY THE ADDITION OF A NEW TITLE 74, IDAHO CODE, RELATING TO TRANSPARENT AND ETHICAL GOVERNMENT, TO PROVIDE THE PUBLIC RECORDS ACT, TO PROVIDE FOR THE OPEN MEETINGS LAW, TO PROVIDE A RESERVED CHAPTER, TO PROVIDE THE ETHICS IN GOVERNMENT ACT AND TO PROVIDE PROHIBITIONS AGAINST CONTRACTS WITH OFFICERS; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 91**  
**BY STATE AFFAIRS COMMITTEE**  
AN ACT

RELATING TO THE PUBLIC RECORDS ACT; AMENDING SECTIONS 1-2103, 6-1001, 6-1008, 6-1010, 6-2301, 6-2303, 7-1408, 7-1416, 9-806, 9-808, 15-5-602, 16-1513, 16-1629, 18-609A, 18-1359, 18-3302, 18-3302H, 18-3302K, 19-1112, 19-5514, 19-5801, 19-5803, 20-226, 20-511, 20-516, 20-525, 20-804, 22-606, 22-609, 22-1215, 22-2206, 22-2209, 22-2718, 22-3309, 22-4909A, 22-5119, 23-515, 25-207B, 25-2714, 25-3806, 25-3807, 26-1111, 26-1112, 26-2610, 26-2916, 26-31-103, 26-31-315, 28-46-106, 28-46-304, 28-46-409, 28-51-104, 30-14-607, 31-874, 31-1415, 31-3418, 31-3551, 31-4814, 31-4904, 31-5104, 33-357, 33-510, 33-514, 33-515, 33-1211, 33-1273A, 33-2505A, 33-2606, 33-2719, 33-3407 AND 33-5204, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 33-5204, IDAHO CODE, AS ENACTED BY SECTION 9, CHAPTER 252, LAWS OF 2014, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTIONS 33-5204A, 33-5504A, 34-416, 36-105, 36-402, 36-2114, 37-401, 37-606, 37-2743, 38-712, 39-111, 39-270, 39-606, 39-610, 39-1210, 39-1310, 39-1393, 39-2812, 39-3556, 39-3913, 39-4411, 39-4412, 39-5211, 39-5307, 39-5403, 39-5818, 39-7408B, 39-7908, 39-7914, 39-8206, 40-1306C, 40-1309, 40-2004, 41-227, 41-249, 41-296, 41-335, 41-1019, 41-1440, 41-2710, 41-3311, 41-4011, 41-4111, 41-5103, 41-5408, 41-5817, 42-4010, 44-1606, 47-319, 47-1314, 47-1506, 47-1515, 48-612, 48-801, 48-1509, 49-321, 49-1234, 49-1311, 49-1313, 49-1314,

50-2006, 54-204, 54-918, 54-934, 54-1210, 54-1406A, 54-1413, 54-1715, 54-1806, 54-1806A, 54-1820, 54-1837, 54-2080, 54-2118, 54-2221, 54-2601, 54-3204, 54-3404, 54-3913, 54-4603, 56-209j, 56-221, 56-231, 57-133B, 57-911, 58-126, 59-1316, 63-602G, 63-3029B, 63-3045B, 63-3077, 65-301, 66-348, 67-455A, 67-461, 67-1903, 67-2726, 67-2743E, 67-2915, 67-3008, 67-4126, 67-4708, 67-5009, 67-5220, 67-5241, 67-5252, 67-5711C, 67-5711D, 67-5725, 67-5768, 67-5781, 67-7410, 67-7421, 67-7436, 67-7437, 67-7441, 67-7445, 67-8906, 69-250, 69-515, 72-603, 72-926, 72-1007, 72-1342, 72-1372 AND 72-1374, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AND PROVIDING AN EFFECTIVE DATE.

[H 84](#), [H 85](#), [H 86](#), [H 87](#), [H 88](#), [H 89](#), [H 90](#), and [H 91](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

### 10TH ORDER

#### Second Reading of Bills and Joint Resolutions

[H 4](#), [H 5](#), [H 6](#), [H 7](#), [H 8](#), and [H 9](#), by Health and Welfare Committee, were read the second time by title and filed for third reading.

[H 47](#), [H 48](#), [H 49](#), and [H 50](#), by Resources and Conservation Committee, were read the second time by title and filed for third reading.

### 11TH ORDER

#### Third Reading of Bills and Joint Resolutions

#### [HCR 2](#) - EAGLE ROCK BRIDGE

[HCR 2](#) was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Bateman to open debate.

The question being, "Shall [HCR 2](#) be adopted?"

Whereupon the Speaker declared [HCR 2](#) adopted by voice vote and ordered the resolution transmitted to the Senate.

#### [H 66](#) - CONCEALED WEAPONS

[H 66](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Clow to open debate.

The question being, "Shall [H 66](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Chaney, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Dixon, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Monks, Moyle, Nate, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Sims, Smith, Troy, Trujillo, VanOrden,

Vander Woude, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 68.

NAYS – None.

Absent – McMillan, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 66](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 43](#) - FUELS TAX

[H 43](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Gestrin to open debate.

The question being, "Shall [H 43](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Barbieri, Bateman, Batt, Bell, Beyeler, Boyle, Burtenshaw, Cheatham, Chew, Clow, Collins, Crane, Dayley, DeMordaunt, Erpelding, Gannon, Gestrin, Gibbs, Harris, Hartgen, Hixon, Holtzclaw, Horman, Jordan, Kauffman, Kerby, King, Kloc, Loertscher, Luker, Malek, McCrostie, McDonald, Mendive, Miller, Nielsen, Nye, Packer, Palmer, Pence, Perry, Raybould, Redman, Romrell, Rubel, Rudolph, Rusche, Scott, Shepherd, Smith, Troy, Trujillo, VanOrden, Wills, Wintrow, Wood, Youngblood, Mr. Speaker. Total – 61.

NAYS – Chaney, Dixon, Monks, Moyle, Nate, Sims, Vander Woude. Total – 7.

Absent – McMillan, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 43](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

#### [H 44](#) - LICENSE PLATES

[H 44](#) was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Kauffman to open debate.

The question being, "Shall [H 44](#) pass?"

Roll call resulted as follows:

AYES – Anderson, Anderst, Andrus, Bateman, Bell, Beyeler, Boyle, Burtenshaw, Chew, Clow, Collins, Crane, DeMordaunt, Dixon, Erpelding, Gannon, Gibbs, Hartgen, Hixon, Holtzclaw, Horman, Kauffman, Kerby, King, Kloc, Malek, McCrostie, Miller, Nielsen, Nye, Packer, Palmer, Pence, Perry, Redman, Romrell, Rubel, Rudolph, Shepherd, Smith, Trujillo, Wills, Wintrow, Wood, Youngblood. Total – 45.

NAYS – Barbieri, Batt, Chaney, Cheatham, Dayley, Gestrin, Harris, Jordan, Loertscher, Luker, McDonald, Mendive, Monks, Moyle, Nate, Raybould, Rusche, Scott, Sims, Troy, VanOrden, Vander Woude, Mr. Speaker. Total – 23.

Absent – McMillan, Thompson. Total – 2.

Total – 70.

Whereupon the Speaker declared that [H 44](#) passed the House. Title was approved and the bill ordered transmitted to the Senate.

Mr. Moyle asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one legislative day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

**16TH ORDER**  
**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Friday, February 6, 2015. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 11:59 a.m.

SCOTT BEDKE, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk